

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3334 of 2017**

- Ravi Shankar Yadav S/o Late Arjun Singh Yadav, aged about 39 years, R/o village Bangalapara Narayanpur, District Narayanpur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through: Police Station - Narayanpur, District Narayanpur (C.G.)

---- Respondent

For Applicant. : Shri Pravin Kumar Tulsyan, Advocate.
For Respondent. : Shri Vaibhav Goverdhan, P.L. for the State

Hon'ble Shri Justice Pritinker Diwaker**Order on Board****13/11/2017**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.25/2017 registered at Police Station : Narayanpur, District Narayanpur (C.G.) for the offence punishable under Sections 376, 323, 506 of IPC and Section 3 (i) (xii) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution in brief is that the Prosecutrix, who is aged about 28 years, lodged a report on 18.02.2017 alleging in it that she was subjected to physical relation by the applicant for the last three years on the pretext of marriage, however, when the applicant refused to marry her, she

lodged a report.

3. Learned counsel for the applicant submits that the Prosecutrix is a consenting party and even if her entire version is taken as it is, offence under Section 376 of IPC is not made out against the applicant.
4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the case, in particular the age of the prosecutrix and inordinate delay in lodging the FIR, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.
7. It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs.50,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-

(Pritinker Diwaker)
JUDGE